



**AGENDA**  
**REGULAR MEETING of the ROSS TOWN COUNCIL**  
**THURSDAY, OCTOBER 8, 2020**

**CORONAVIRUS (COVID-19) ADVISORY NOTICE**

Consistent with Executive Orders No. N-25-20 and No. N-29-20 from the Executive Department of the State of California, the Town Council meeting of October 8, 2020 will not be physically open to the public and all Council Members will be teleconferencing into the meeting. To maximize public safety while still maintaining transparency and public access, members of the public can access the meeting live at:

Audio/Video Webinar: <https://us02web.zoom.us/j/82182762166>

or Call-in Number: +1 (669) 900-9128

Webinar ID: 821 8276 2166#

Submit public comment remotely by:

1. Emailing [llopez@townofross.org](mailto:llopez@townofross.org) prior to 4:00 P.M. on the day of the meeting
2. Selecting the "Raise Hand" icon in the Zoom meeting or pressing \*9 if calling in to the meeting. Comments shall be limited to 3 minutes.

[Click here for more information on how to submit public comment on Zoom](#)

1. **6:00 p.m. Call to Order and Roll Call.**
2. **Posting of agenda.**
3. **Minutes.** 
4. **Demands.**
5. **Open Time for Public Expression. (5 minutes)**  
Limited to three minutes per speaker on items not on agenda.
6. **Mayor's Report. (5 minutes)**
7. **Council Committee & Liaison Reports. (5 minutes)**

 Report available online at <https://www.townofross.org/towncouncil/page/town-council-meeting-216>

**8. Staff & Community Reports. (5 minutes)**

- a. Town Manager
- b. Ross Property Owners Association.

**9. Consent Agenda. (5 minutes)**

The following items will be considered in a single motion, unless removed from the consent agenda:

- a. Town Council consideration of adoption of Resolution No. 2182 Award of Construction Contract for the Seismic Retrofit – Ross Town Hall Project – Town Project No. 9105-66. (Simonitch) [📄](#)
- b. Town Council authorization to extend current Dispatch Services Agreement between the Town of Fairfax and the Town of Ross Police Departments. (Masterson) [📄](#)

End of Consent Agenda.

**Administrative Agenda.**

**10. 400 Upper Toyon Road, Annexation Rezoning and General Plan Amendment, and Town Council consideration of introduction of Ordinance No. 707, and Town Council consideration of adoption of Resolution No. 2181. (Streeter, 3 minutes) [📄](#)**

Raphael De Balmann, 400 Upper Toyon Drive

**Project Summary:** The applicant is requesting that zoning and a General Plan land use designation be applied to Assessor’s Parcel Nos. 012-121-28, -22, -05, and -04, which on August 8, 2019, were detached from the City of San Rafael and annexed into the Town of Ross by Marin County Local Agency Formation Commission. The Town Council, sitting as Planning Commission, has recommended that the parcels be rezoned Single Family Residential with a Five Acre Minimum Lot Size (R-1:B-5A) and that the parcels be assigned a Ross General Plan land use designation of Very Low Density (.1 – 1 unit/acre). No new development is being proposed.

**11. Town Council and staff discussion of Town’s options to fund private roadways with public funding. (Chinn/Simonitch, 15 minutes) [📄](#)**

**12. Town Council consideration of introduction of Ordinance No. 708 an Ordinance of the Town of Ross amending Ross Municipal Code 18.12 “Definitions”, Chapter 18.40 “General Regulations”, Chapter 18.41 “Design Review”, Chapter 18.42 “Accessory Dwelling Units”, and Chapter 18.52 “Nonconforming Structures And Uses” (Streeter, 30 minutes) [📄](#)**

**Project Summary:** Town Council consideration of a regular ordinance amending the Ross Municipal Code regarding the following topics:

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- Chapter 18.12, Definitions. Revise for clarity the definitions of “Accessory Building”, “Basement”, “Creek”, “Parking Space”, and “Yards”.
- Chapter 18.40, General Regulations. Revise to require any lighting not subject to design review to be downward facing and shielded and to allow the use of recreational vehicles as construction offices under certain circumstances.
- Chapter 18.41, Design Review. Require design review when the cumulative impact of ministerial projects over a three-year period surpasses design review thresholds.
- Chapter 18.42, Accessory Dwelling Units. Revise for clarity and consistency with State law.
- Chapter 18.52, Nonconforming Structures and Uses. Revise to temporarily allow minor nonconformity permits to be reviewed and approved at the staff level.

**13. Town Council discussion/consideration of Flood insurance assessment by the Town Floodplain Administrator regarding habitable structures within the Special Flood Hazard Areas in the Town of Ross. (Simonitch, 5 minutes) [📄](#)**

**14. Town Manager update and Council discussion on Town activities in response to COVID-19. (Chinn, 5 minutes)**

**End of Administrative Agenda.**

**Public Hearings on Planning Projects.**

Project applicants will be limited to no more than 15 minutes total for owner, architect, engineer, etc. presentations.

**15. 5 Allen Lane, Variance Permit and Town Council consideration of adoption of Resolution No. 2183. (Weintraub, 15 minutes) [📄](#)**

Chris and Nadine Berry, 5 Allen Lane, A.P. No. 073-261-40, R-1: B-10, ML (Medium Low Density), AE (Areas subject to inundation by the 1-percent-annual-chance flood event).

**Project Summary:** The applicant is requesting approval to construct a new combination pool/spa with mechanical equipment and associated enclosure. A Variance is required to construct the new pool/spa within the minimum required front and rear yard setbacks, and to construct the new mechanical equipment and associated enclosure within the minimum required front yard setback.

**End of Public Hearings on Planning Projects.**

**16. No Action Items: (Mayor, 5 minutes)**

- a. Council correspondence
- b. Future Council items

**17. Open time for matters pertaining to the Closed Session item in Agenda item 18.**

**18. Closed Session.**

**Public Employee Performance Evaluation (Pursuant to Government Code section 54957)**

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**Title: Town Manager**

**19. Announcement of Closed Session Action.**

**20. Adjournment.**

*If any of the matters discussed above are challenged in court, you may be limited to raising only those issues you or someone else raised at any public hearing described on this notice or in written correspondence delivered at, or prior to, the Council meeting at which this matter will be heard. (Government Code Section 65009). In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Manager at (415) 453-1453, extension 107 or (415) 453-1950 (Fax). Notification at least 48 hours prior to the meeting will enable the town to make reasonable accommodation to help insure accessibility to this meeting.*